

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: KOLE'S LANDING PUD

Case Number: PUD2006-00001, PLD2006-00038, SEP2006-00077, EVR2006-00036, BLA2006-00022, ARC2006-00038

Location: 6716 NE 69th Avenue

Request: The applicant proposes a preliminary subdivision approval to subdivide approximately 20.75 acres into 108 single-family lots in the R1-6 zoning district using the planned unit development standards, CCC 40.520.080.

Applicant: Kole's Landing, LLC
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Vancouver, WA 98666
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Contact Person: Olson Engineering, Inc.
Attn: Scott Brantley
1111 Broadway
Vancouver, WA 98660
(360) 695-1385, E-mail: Scottb@olsonengr.com

Property Owner:

Delbert & Kathleen Seeley 6612 NE 72nd Avenue Vancouver WA 98661	Daniel & Marie Killian 6716 NE 69th Avenue Vancouver, WA 98661
Evan Petcoff 6617 NE 72 nd Street Vancouver, WA 98661	Joseph Holbrook Sr. 6618 NE 72nd Avenue Vancouver, WA 98661

RECOMMENDATION **Approve Subject to Conditions**

Team Leader's Initials: **Date Issued:** June 14, 2006

Public Hearing Date: June 29, 2006

County Review Staff:

	<u>Name</u>	<u>Phone (360)</u> <u>397-2375, Ext</u>	<u>E-mail Address</u>
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Comp Plan Designation: Urban Low Density Residential (UL)

Parcel Number(s): Tax Lots 156658-010, 156739, 156740 and 105154 located in the NE ¼ of Section 7, SE ¼ of Section 7, NW ¼ of Section 8, and SW ¼ of Section 8 Township 2 North, Range 2 East of the Willamette Meridian.

Applicable Laws:

Clark County Code Chapter 40.350 (Transportation), 40.350.020 (Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.570.080 (SEPA), 40.570.080 (C) (3) (k) (Historic & Cultural Preservation), 40.540.040 (Land Division Ordinance), 40.220.010 (R1-6), 40.520.080 (PUD), 40.610 (Impact Fees), 40.540.010 (Boundary Line Adjustment, BLA), 40.370.010 (D) (Sewer Connection), 40.370.020 (D) (Water Connection), 40.500 (Process), RCW 58.17 (State Land Division Laws)

Neighborhood Association/Contact:

Green Meadows Neighborhood Association
Lori Martinson, Interim President
8313 NE Meadows Court
Vancouver, WA 98662

Time Limits:

The application was determined to be fully complete on April 14, 2006 (see Exhibits No. 9). Therefore, the County Code requirement for issuing a decision within 92 days lapses on July 15, 2006. The State requirement for issuing a decision within 120 calendar days, lapses on August 12, 2006.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on November 22, 2005. The pre-application was determined to be contingently vested as of October 28, 2005 (i.e., the date the fully complete pre-application was submitted).

The application was submitted on March 24, 2006 and determined to be fully complete on April 14, 2006. Given these facts the application was vested on October 28, 2006, the day the fully complete application was submitted. There are no disputes regarding vesting in this matter.

Public Notice:

Notice of application and public hearing was mailed to the applicant, property owners within 300 feet of the site and Green Meadows Neighborhood Association on April 28, 2006. One sign was posted on the subject property and two within the vicinity on June 14, 2006. Notice of the likely SEPA Determination and public hearing was published in "The Columbian" newspaper on April 24, 2006.

Public Comments:

The county received letters from the Southwest Clean Air Agency (Exhibit 13) and the State of Washington Department of Ecology (Exhibit 14).

These letters are advisory in nature. These letters indicate that the development site is not located near any known potentially contaminated site; but they also provide advice regarding appropriate procedures needed to contain potential contaminants, (e. g., asbestos) if discovered during site development.

Project Overview

The applicant is requesting a preliminary plat approval to subdivide 4 tax lots totaling approximately 20.75 acres into 108 single-family lots in the R1-6 zoning district in a planned unit development (PUD) per CCC 40.520.080. The PUD standards permit some flexibility in designing the proposed lots in the plat to provide a variety of housing stock for a various income groups in Clark County.

The R1-6 district permits a variety of uses outright, conditionally, and by review and approval. For residential development, the R1-6 district permits an average minimum lot size of 6,000 square feet and an average maximum average lot size of 8,500 square feet per single family dwelling. The development will occur in two phases:

1. Phase 1, comprises 50 lots on the approximately 9.65 acres lying on the east side of NE 72nd Avenue; and,
2. Phase 2, comprises 58 lots on the approximately 11.1 acres lying on the west side of NE 72nd Avenue and east of Andresen Road. NE 72nd Avenue serves as the dividing line between phases 1 and 2 of the proposed Kole's Landing PUD subdivision.

The R1-6 district allows a minimum density of 5.1 dwelling units per acre and a maximum density of 7.26 dwelling units per acre. A single-family detached dwelling is permitted in the district per Table 40.220.010-1 (1) (a); but duplexes are permitted on corner lots. Table 1 shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low (UL) Bonneville Power Administration easement (BPA))	Single Family Residential (R1-6)	The development site is situated on both sides of NE 72 nd Avenue and east of NE Andresen Road. It has a rolling topography. There are three existing single-family dwellings on the development site that will remain, and qualify for impact fees credit. The southern section of the site lies within the BPA power line easement; and this area is currently used as pastureland.
North	UL	R1-6	Single-family housing development.
East	UL	R1-6	NE Andresen Road and single-family housing development.
South	UL	R1-6	Laurel Hills Subdivision, (311-276), and single-family housing development on fairly large lots.
West	UL	R1-6	NE Andresen Road, single-family housing development and BPA power line.

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of Hillsboro (HIB) on slopes ranging from 3 to 8 percent. Maps from Clark County's GIS Mapping System do not indicate that the site contains wetlands.

The property is located within the City of Vancouver's urban growth area (UGA). It is situated in an area served by Fire Protection District 5, Vancouver School District, Orchards Traffic Impact Fees District, and Parks Improvement District 7. The City of Vancouver provides potable water and Clark Regional Wastewater District provides sewer service in the area, respectively.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1

Planned Unit Development (CCC 40.520.080)

Approval Criteria

CCC 40.520.080 (E) establishes the standards and general requirements for a PUD review, which include parcel size, environmental constraints, building height and open space including landscaping and maintenance arrangement. CCC 40.520.080 (F) stipulates that 5 specific findings must be made prior to a PUD approval in the county. Staff finds that the proposed PUD can, with appropriate site plan, landscaping and building envelopes, comply with the applicable PUD standards and requirements, and the PUD approval criteria [per CCC 40.520.080 (E) (F)] because:

Approval criterion 1

The site is adequate in size and shape to accommodate the proposed use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required to ensure that the proposed use is compatible with the neighborhood land uses.

Finding 1

Staff finds that the development site comprises 4 tax lots of record totaling approximately 20.75 acres, which is adequate for a PUD project. The preliminary plat (Exhibit 16, Sheet 4 of 8) shows a building envelope on each lot, and a landscaping plan (Exhibit 16, Sheet 6 of 8) shows perimeter landscaping along the outer boundaries of the development site, street plantings along NE Andresen Road, NE 72nd Avenue and the proposed streets in the development site. The preliminary plat shows designated areas of open spaces areas, trails, utility tracts and stormwater facilities within the BPA power line easement. The applicant shall propose covenants, conditions and restrictions (CC&R's) establishing a home owners' association that would be responsible for maintaining the open spaces and parks per CCC 40.520.080 (E) (4) (a). (See Finding 4, and Condition A-1a)

Finding 2

The applicant has proposed the following lot development standards for this PUD:

1. Minimum lot area --- 2,600 square feet
2. Minimum lot width --- 20 feet
3. Minimum lot depth --- 70 feet
4. Front yard set back for the house --- 10 feet
5. Front yard set back for the garage --- 18 feet
6. Street side yard --- 8 feet
7. Interior side yard --- 3 feet; with building separation, eaves & gutters -- 6 feet
8. Rear yard set back --- 5 feet
9. Maximum lot coverage – 65 percent
10. Approximate size of proposed structures – 1,700 square feet
11. Maximum building height --- 35 feet. (See Conditions A-1b and D-6a)

The applicant shall provide scaled and dimensioned building envelope and foot print on each lot to ensure that adequate building separation set back is established (see Condition A-1c).

Finding 3

The applicant needs to provide a parks plan indicating the proposed park features and perimeter landscaping plan to further the comprehensive plan policy to ensure aesthetics and compatible land uses in the neighborhood and consistent with the applicable section of the code. (See Conditions A-1d)

Approval criterion 2

The site relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use. Adequate public utilities are available to serve the proposal.

Finding 4

Staff finds that the applicant is proposing public streets to serve this development. The applicant is proposing public street dedications and improvements of NE 68th Avenue, NE 61st Street, NE 71st Court, NE 67th Street, 26th Avenue, NE 73rd Avenue and NE 74th Avenue. The applicant also proposes a half street dedication and improvements along

the site's frontage on NE 72nd Avenue (see Exhibit 16). This finding does not require a condition of approval.

Approval criterion 3

The proposed use will have no significant adverse effect on abutting property or permitted use thereof.

Finding 5

The applicant is proposing single-family housing on lots ranging in area from 20,041 square feet in area for the largest lot to 2,852 square feet in area for the smallest lots. The PUD section of the applicable county ordinance provides flexible plat design and lot area configuration in furtherance of the comprehensive plan policy. The proposed housing development will be similar to those already existing in the area, because the abutting properties to the north, east, west, south are all zoned R1-6 for single-family residential housing development.

The proposed density complies with the density guidelines in Table 40.220.010-2. Table 2 below shows that of the approximately 20.75 acres, approximately 2.97 acres will be dedicated as public road right-of-way (ROW). In addition, approximately 8.94 acres are dedicated as open space leaving a net developable area of approximately 12.37 acres that are being divided into 59 lots (see Exhibit 5).¹

Table 2: Density Calculation

Zone	Gross acreage	ROW (acres)	Open Space (acres)	Net acres	Gross density (acres)	Net density (acres)	Proposed density (acres)
R1-6	20.75	2.97	8.94	17.78	151 - 105	129 - 90	108

Staff finds that the number of lots proposed complies with the density provisions in the code for a PUD.

- a. Some proposed lots - Lots 13, 23, 25, Lots 70 through 81, Lot 96, Lot 102 through 106 and Lot 108 - lie within or abut the BPA power line. Even though scientific research and evidence are inconclusive regarding the impacts of electromagnetic fields on humans, a note will be placed on the final plat informing property owners of the presence of the BPA power line along the southern section of the site (see Condition D-6b).
- b. The applicant shall submit documentation from BPA agreeing to the use of its easement for any development purposes (the open space and park facilities and the stormwater facilities and streets) that benefit this subdivision (see Condition A-1e).

Approval criterion 4

The establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be

¹ Density is a ratio of the number of lots obtained from the gross acreage minus any public-right-of-way dedication.

detrimental to the health, safety, morals, or welfare of persons residing or working in the neighborhood of such use and will not under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in the neighborhood; nor shall the use be inconsistent with the character of the neighborhood or contrary to its orderly development.

Finding 6

Staff finds that the applicant could make the necessary improvements needed to connect the proposed development to public water and sewer systems to mitigate any potential public health impacts. The utility reviews from the City of Vancouver and Clark Regional Wastewater District indicate that adequate capacities exist in the area to connect this development to public water and sewer services. Sidewalks will be provided for pedestrian circulation, and mitigation provided for potential negative impacts from this development to the public and persons residing or working in the neighborhood. This finding does not require a condition of approval.

Approval criterion 5

The applicant has proposed unique or innovative design concepts to further specific policies of the comprehensive plan.

Finding 7

The design concept of this plat is substantially eclectic in character; because it provides a mix of lot areas for essentially single-family housing development in the R1-6 Zoning District. The applicant needs to submit a site plan for the Neighborhood Park and open space and show linkages between them. The proposed facilities on the park could engender a place that provides opportunity for passive and active recreation and optimum use (see Condition A-1f).

Boundary Line Adjustment

Finding 8

Prior to final plat recording, the applicant shall record BLA2006-00022 with the Clark County Auditor's office (see Exhibit 8 and Condition A-1g).

Signs

Finding 9

Any proposed sign or signs for this subdivision shall comply with the applicable sections of the sign ordinance, CCC 40.310 (see Condition F-1).

Conclusion (Land Use):

Staff finds that the proposed preliminary plan can comply with the applicable sections of the Code, subject to the conditions of approval identified in this report.

CRITICAL AREAS:

There are no critical areas issues with this application.

TRANSPORTATION:

Pedestrian/Bicycle Circulation

Finding 1

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The

applicant is proposing onsite sidewalks, a 6-foot pedestrian connection to NE Andresen Road, and 6-foot wide detached sidewalks along both frontages of NE 72nd Avenue. The applicant is proposing pedestrian pathways inside a 300-foot BPA easement. The applicant shall provide pedestrian circulation to the east and from the two proposed parks to NE 72nd Avenue. Curb ramps shall be provided per CCC 40.350.010(B)(1)(g) at all of the proposed intersections. (See Condition A-2a)

Road Circulation

Finding 2

The applicant has submitted a road circulation plan. Due to the presence of the BPA easement to the south, existing houses, and NE Andresen to the west, the project meets the circulation code, CCC 40.350.030(B)(2)).

Roads

Finding 3

NE Andresen Road is classified as a “Parkway Arterial” (Pa-4cb). The minimum improvements associated with a “Parkway Arterial” include a 120-foot right-of-way. The applicant shall dedicate a 60-foot half-width right-of-way along the entire frontage of the project. (See Condition A-2b)

NE 72nd Avenue is classified as an “Urban Collector” (C-2). The minimum improvements associated with an “Urban Collector” include a 60-foot right-of-way, a 38-foot paved width, detached 6-foot sidewalks, curbs, and gutters. The applicant shall provide the minimum improvements along the entire frontage of both sides of NE 72nd Avenue. (See Condition A-2c)

Proposed NE 67th Street is classified as an “Urban Local Residential Access” road that includes a 46-foot right-of-way, a 28-foot paved width, 5.5-foot sidewalks, curbs, and gutters. NE 71st Court, NE 66th Street, and NE 68th Avenue will become a “Residential Loop” road and include improvements such as a 46-foot right-of-way, 28-foot paved width, 5.5-foot sidewalks, curbs, and gutters. It will act as a cul-de-sac prior to a possible future connection of NE 67th Street within parcel #156658-010.

A proposed 20-foot private road will provide access to lots 103-106. A turnaround shall be provided at the end of the proposed private road located to the west of NE 72nd Avenue per CCC 40.350.030(B)(12)(b). Table 40.350.030-2 of CCC 40.350.030 (B)(3) requires that the curb return radii of the private road be a minimum of 20 feet. It is recommended that the entrance to the onsite private road be as consistent as possible with standard drawing number F17. (See Condition A-2d)

A portion of proposed NE 67th Street and NE 74th Avenue together are an “Urban Cul-de-sac”. The applicant has proposed the minimum improvements including a 46-foot right-of-way, a 28-foot paved width, curbs, and gutters. The applicant has also included a cul-de-sac bulb and a sidewalk. A portion of NE 67th Street and proposed NE 73rd Avenue is also classified as an “Urban Cul-de-sac” that consists of the same improvements.

A private road has been proposed that will access lots 1-8. Table 40.350.030-2 of CCC 40.350.030 (B)(3) requires that the curb return radii of the private road be a minimum of

25 feet. It is recommended that the entrance to the onsite private road be as consistent as possible with standard drawing number F17. (See Condition A-2e)

Road Modifications

The applicant applied and paid for a road modification, which was not required by the county, and therefore, one half of the road modification fees will be refunded.

The Applicant's Sight Distance Analysis

Finding 4

According to the applicant, the project site will access NE 72nd Avenue from NE 67th Circle. The corner sight distance at this proposed site access intersection was field measured and compared to the minimum acceptable standard set forth in table 40.350.030-11. Based on a 30 mph speed limit along NE 72nd Avenue, the minimum corner sight distance required is 300 feet. Over 300 feet of corner sight distance is available in both directions at the proposed NE 72nd Avenue/NE 67th Circle intersection assuming that the existing fence and vegetation at the northwest corner of the intersection are removed as part of the proposed development construction.

Sight Distance Analysis

Finding 5

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, utility poles, and miscellaneous structures will not be allowed to impede required sight distances. (See Condition A-2f)

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

TRANSPORTATION CONCURRENCY:

Trip Generation

Finding 1:

The applicant's traffic study has estimated the weekday AM peak-hour trip generation at 79 net new trips, while the PM peak-hour trip generation is estimated at 106 net new trips using nationally accepted data published by the Institute of Transportation Engineers. The site is located at 6716 NE 69th Avenue.

The City of Vancouver was solicited for comment on this application and they will comment directly to the county planner.

Site Access

Finding 2:

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with

traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Concurrency level of service (LOS) standards is not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site. All of the site access intersections analyzed in the applicant's traffic study will have an estimated LOS B or better during the peak traffic hours at the future build-out of the proposed development. This LOS is acceptable.

Concurrency

Finding 3:

Concurrency is not applicable to Planned Unit Developments (PUD's), but since the application also includes a Preliminary Land Division (PLD), the concurrency review will apply to and reserve trips for the PLD.

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020(B). The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 2 miles of the proposed development. The County's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance. The modeling results indicate that the operating levels comply with travel speed and delay standards.

The un-signalized intersection of NE 78th Street and NE 72nd Avenue has an LOS E in the county's Traffix model, but is reported as LOS D in the applicant's traffic study. A traffic signal warrant study was performed by the applicant's traffic consultant and submitted to the county on June 1, 2006. The traffic signal study indicated that a traffic signal is not warranted and county staff agrees. Per the concurrency ordinance, an un-signalized intersection is failing if it has an LOS E and meets signal warrants. Therefore, since the intersection of NE 78th Street and NE 72nd Avenue does not meet signal warrants, then regardless of the LOS D or LOS E that has been analyzed by the applicant and county staff, respectively, the intersection LOS is satisfactory. The proposed development complies with the concurrency ordinance. This intersection will continue to be monitored by the county for the LOS condition and for whether the intersection meets signal warrants.

The County incurs costs to analyze the proposed development's impacts; therefore, the applicant should reimburse the County for costs incurred in running the concurrency model. (See Transportation Concurrency Condition A-4a)

Safety

Where applicable, a traffic study shall address the following safety issues:

- Traffic signal warrant analysis,
- Turn lane warrant analysis,
- Accident analysis, and
- Any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Traffic Signal Warrants

Finding 4:

The applicant's traffic consultant analyzed traffic signal warrants at the intersection of NE 78th Street and NE 72nd Avenue and found that a signal is not warranted. County staff agrees with the findings. All of the other intersections analyzed in the applicant's traffic study either have adequate LOS or will be signalized with a future county road project. Therefore, further analysis or mitigation by the applicant is not required.

Turn Lane Warrants

Finding 5:

Turn lane warrants are evaluated at un-signalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant's traffic study failed to analyze turn lane warrants, particularly at the site access onto NE 72nd Avenue at NE 66th Street.

The traffic study correctly states that there are typically two criteria for determining if there is a need for a turn lane – capacity and safety. Both criteria were used to evaluate the need for a turn lane on the major roadway.

It is extremely rare for capacity deficiencies to be used as criteria for adding a turn lane on the major roadway. In this particular case, the northbound left turn movement at this intersection is projected to have an LOS A during the AM and PM peak hours. Therefore, as staff would expect, there is no capacity deficiency at this intersection.

The safety of this intersection; however, is staff's primary concern. The traffic study addendum calculated a traffic accident rate that does not exceed thresholds that would warrant additional analysis. However, the accident rate is useful for looking to the past to see if accidents are due to any deficiencies that can be remedied. The accident history does not provide an analysis of future impact due to the increased trips at an intersection.

If we consider the various turn lane criteria discussed in the WSDOT Design Manual, such as accident history, LOS, and Figure 910-9a in the WSDOT manual, only the figure can be used to predict future accident potential. The accident rate can be used to look at the historical trends, but the WSDOT graph is the only tool to see if there is a greater likelihood of a future problem. The more that the figure shows a turn lane as warranted, the more potential for accidents. Therefore, the figure in the WSDOT manual must be evaluated to determine the potential for accidents due to the lack of a left turn lane on NE 72nd Avenue.

County staff has used WSDOT Figure 910-9a and determined that turn lane warrants are not met at the intersection of NE 72nd Avenue and NE 66th Street. All of the other

intersections analyzed in the applicant's traffic study will either be signalized or already have turn lanes on the major street.

Historical Accident Situation

Finding 6:

The applicant's traffic study analyzed the accident history in the vicinity of the site. The historical accident rate at these locations does not exceed thresholds that would warrant additional analysis.

Sight Distance

Finding 7:

Sight distance at the site access is addressed by Community Development; therefore, this issue will not be addressed here.

Conclusion

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan meets the requirements of the county transportation concurrency ordinance CCC 40.350.020.

STORMWATER:

Applicability

Finding 1

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities.

The project will create more than 2,000 square feet of new impervious surface, involves platting of a single-family residential subdivision, and is a land disturbing activity not exempted in section 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380).

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

The Applicant's Stormwater Proposal

Finding 2

According to the applicant, the portion of the site east of NE 72nd Avenue contains a high point in the west central region that drops approximately 16 feet to the northeast corner and approximately 20 feet to a southeast low point. The portion of the site west of NE 72nd Avenue contains a high point in the east central region that drops approximately 7 feet to the north and approximately 17 feet to a south central low point. Historically, runoff flows offsite or to the respective east or west low points and is infiltrated.

The applicant states that to the west of NE 72nd Avenue, runoff from internal streets, sidewalks, and driveways will be routed through a biofiltration swale for treatment and then infiltrated using an infiltration pond. Runoff from the southern section of NE 72nd

Avenue will be routed through a separate biofiltration swale and then infiltrated through an infiltration pond. The facility will be located in the southwest quadrant. The proposed facility shall be located within and/or adjacent to the BPA easement. Roof and backyard runoff will be collected using roof laterals and backyard drains.

The applicant states that to the east of NE 72nd Avenue, runoff from internal streets, sidewalks, and driveways will be routed through a biofiltration swale for treatment and then infiltrated using an infiltration pond. Runoff from the north section of NE 72nd Avenue will be routed to the same conveyance system as the onsite runoff. The facility will be located in the southeast quadrant of the site. The proposed facility shall be located within and/or adjacent to the BPA easement. Roof and backyard runoff will be collected using roof laterals and backyard drains.

Groundwater was not encountered during soils exploration and was estimated by the applicant to be 30 to 50 feet below the existing ground surface. The applicant determined that infiltration rates on site in the location of the ponds were found to be 24 inches per hour for the eastern pond and 19.3 inches per hour for the western pond.

The applicant states that there is no appreciable area that discharges runoff to the site and it is assumed that future developments adjacent to this site will provide treatment and dispose of their own stormwater. Runoff from the area on the west side encompassed by the site was routed to the stormwater facility.

The stormwater facilities will be publicly owned and maintained.

Analysis of the Stormwater Proposal

Finding 3

Most of the landscaped areas produce runoff that mixes with the runoff from new pollution generating impervious areas because the site is underlain by Hillsboro silt loam soils that do not drain well. Runoff associated with the landscaped areas surrounding the buildings shall be considered when determining the water quality flow. (See Condition A-5a)

The preliminary stormwater report indicates a weighted CN average was used when determining a water quality design flow. CN values shall not be averaged when determining a water quality flow rate. (See condition A-5b)

Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high water or an impermeable soil layer per CCC 40.380.040(C)(3)(c). (See Condition A-5c)

Staff does not find the infiltration test data provided in the infiltration testing report to be conclusive when the ground is likely to be saturated. However, substantial evidence is not available to show that infiltration in the proposed location of stormwater facility will not be feasible. Staff is also concerned that during grading activities, the native soil layers may be disturbed to the extent that design infiltration rates could not be achieved. (See Condition C-3a)

Because the proposed stormwater runoff disposal is by infiltration, it is important to ensure that no soil or contaminated materials inadvertently enter the storm drain collection system until site construction is complete and exposed soil surfaces are stabilized. In order to protect the infiltration facilities from plugging during the construction of the subdivision and homes within the proposed lots, all runoff shall be conveyed to an onsite sacrificial system or be contained by other approved methods until such time when the county inspection staff determines that the potential for plugging the infiltration system is minimized to the maximum extent possible. (See Condition F-3a)

The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth as being 4.0 inches. The 10-year/24-hour storm event precipitation depth is 3.0 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 2.0 inches.

The proposed subdivision includes about 220,000 square feet of new impervious road, sidewalk, and parking and about 170,750 square feet of new impervious roof surface. The Natural Resource Conservation Service (NRCS) indicates the site to be underlain by Hillsboro silt loam (HIB). The soil is a part of hydrologic soil group "B". According to the Stormwater and Erosion Control Ordinance (CCC 40.380), the soils are typically not suitable for infiltration. The proposal indicates a curve number (CN) of 80 applies to the post developed pervious surfaces, a CN of 98 applies to the impervious surfaces that will be added as part of the proposed development, and a CN of 78 will apply to the parks.

According to table III-1.3 of the Puget Sound Manual, a CN that applies to a park with soils that fall under group B shall be 80. (See Condition A-5d)

Finding 3 - Site Conditions and Stormwater Issues:

Approximately 81% of the site has a slope of 0% to 5% and 19% of the site has a slope of 5% to 10%.

Conclusion (Stormwater):

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Fire Marshal Review

Finding 1

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375, extension 4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building Construction

Finding 2

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific

requirements may be made at the time of building construction as a result of the permit review and approval process (see Condition B-1a).

Fire Flow

Finding 3

Fire flow in the amount of 1,000 gallons per minute (gpm) supplied at 20 psi for 60 minutes duration is required for this application. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see Conditions A-8a and B-1b).

Fire Hydrants

Finding 4

Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet in phase 1. The indicated number and spacing of the fire hydrants for phase 2 is adequate (see Condition 8b).

Fire Hydrant

Finding 5

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local district fire chief approves the exact locations of fire hydrants (see Condition A-8c).

Fire Apparatus Access

Finding 6

The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (see Condition A-8d).

Fire Apparatus Turnarounds

Finding 7

Approved fire apparatus turnarounds are required for this project and shall comply with the Clark County Road Standards (see condition A-8e).

HEALTH DEPARTMENT REVIEW:

Finding 1

The City of Vancouver provides potable water and Clark Regional Wastewater District provides sewer service in the area, respectively. The utility reviews submitted by applicant indicate that adequate sewer and water services are available to serve this development (see Exhibit 6, Utility Review Letter, and Condition E-3).

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be

submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See Condition A-9)

Other Health Concerns

Finding 3

There are buildings on the site that will be demolished. Two existing buildings will remain on Lot 107 and Lot 108. All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied (see Condition D-3a)

If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording (see Condition D-3b)

IMPACT FEES:

Finding 1

The site is located in Park District 7, Vancouver School Districts, and Orchards Traffic District. There are 3 single family dwellings on the site that qualify for impact fees credit; therefore, park, school, and traffic impact fees shall be assessed on 105 of the proposed 108 new lots.

The following note shall be placed on the final plat stating that:

"In accordance with CCC 40.610, except for Lot 82, Lot 107 and Lot 108 that are exempt from impact fees exaction, the park, school, and traffic impact fees for each of the 105 single-family dwellings in this subdivision are:

1. \$1,885.00 PIF (made up of \$1,445.00 acquisition fee, and \$440.00 development fee) per new single-family attached dwelling in Park District 7;
2. \$1,725.00 SIF per new single-family dwelling in Vancouver School District; and,
3. \$1,439.81 TIF per new single-family-attached dwelling in Orchards Traffic Impact fee district.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated , and expiring on . Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See Condition D-4e and E-4)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS): Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period:

The publication date of this (likely) DNS was April 24, 2006, and was issued under WAC 197-11-340. The lead agency did not act on this proposal until the close of the 14-day comment period, which ended on May 8, 2006, is now final.

Public Comment Expired on:

May 8, 2006

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Michael Uduk, (360) 397-2375, ext. 4385
Krys Ochia, (360) 397-2375, ext. 4834

Responsible Official: Michael V. Butts

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>**

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 16), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A Final Construction/Site Plan Review **Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Land Use

- a. The applicant shall provide home owners' covenants, conditions and restrictions (CC&R's), to be approved by the prosecuting attorney's office for the maintenance of the community facilities (open space, trail, parks and landscaping areas) provided in this development (see Land Use Finding 1).
- b. The applicant shall comply with the following development standards:
 1. Minimum lot area: 2,600 square feet
 2. Minimum lot width: 20 feet
 3. Minimum lot depth: 70 feet
 4. Front yard set back for the house: 10 feet
 5. Front yard set back for the garage: 18 feet
 6. Street side yard: 8 feet
 7. Interior side yard: 3 feet; building separation, eaves & gutters -- 6 feet
 8. Rear yard set back: 5 feet
 9. Maximum lot coverage: 65 percent
 10. Approximate size of proposed structures: 1,700 square feet
 11. Maximum building height: 35 feet (see Land Use Finding 2).
- c. The applicant shall provide a scaled building envelope on each lot to ensure that adequate building setback is established (see Land Use Finding 2).
- d. The applicant shall provide a plan showing community facilities that are being provided in the community park and open spaces provided with this development (see Land Use Finding 3).
- e. The applicant shall provide documentation from BPA indicating that it agrees to or permits any development activity proposed within its power line easement (see Land Use Finding 5b).
- f. The applicant shall submit a site plan for the Neighborhood Park and open space and show linkages between them by providing the necessary park facilities (see Land Use Finding 7).
- g. The applicant shall record a boundary line adjustment (per CCC 40.540.010) prior to final plat recording (see Land Use Finding 8).

A-2 Final Transportation Plan/On-Site

The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall provide pedestrian circulation to the east and from the two proposed parks to NE 72nd Avenue. Curb ramps shall be provided per CCC 40.350.010(B)(1)(g) at all of the proposed intersections.
- b. The applicant shall dedicate a 60-foot half-width right-of-way along the entire frontage of NE Andresen Road.
- c. The applicant shall provide the minimum improvements along the entire frontage of NE 72nd Avenue including a 60-foot right-of-way, a 38-foot paved width, detached 6-foot sidewalks, curbs, and gutters.
- d. A turnaround shall be provided at the end of the proposed private road located to the west of NE 72nd Avenue per CCC 40.350.030(B)(12)(b). Table 40.350.030-2 of CCC 40.350.030 (B)(3) requires that the curb return radii of the private road be a minimum of 20 feet.
- e. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, utility poles, and miscellaneous structures will not be allowed to impede required sight distance.
- f. Table 40.350.030-2 of CCC 40.350.030 (B)(3) requires that the curb return radii of the private road that will access lots 1 through 8 be a minimum of 25 feet.

A-3 Transportation

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval. (Standard Condition)
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. (Standard Condition)

A-4 Final Transportation Plan/Off Site (Concurrency)

The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in

an amount not to exceed \$1,500. The reimbursement shall be made prior to final site plan review (see Transportation Concurrency Finding 2).

A-5 Final Stormwater Plan

The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

- a. Runoff associated with the landscaped areas surrounding the buildings shall be considered when determining the water quality flow.
- b. CN values shall not be averaged when determining a water quality flow rate.
- c. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high water or an impermeable soil layer per CCC 40.380.040(C)(3)(c).
- d. According to table III-1.3 of the Puget Sound Manual, a CN of 80 shall apply to the parks.

A-6 Erosion Control Plan

The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380 and the following conditions of approval:

A-7 Final Landscape Plan

The applicant shall submit and obtain county approval of final landscape plan designed in accordance with CCC 40.320, and the following conditions of approval:

- a. Per CCC 40.260.230 (C), the applicant shall provide a final landscape plan meeting the L1 standard for review and approval. The L1 standard requires one tree to be planted to the center per 30 linear feet interspersed with four to six shrubs (see Land Use Finding 3 and Condition F3).

A-8 Fire Marshal Requirements

- a. Fire flow in the amount of 1,000 gallons per minute (gpm) supplied at 20 psi for 60 minutes duration is required for this application. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see Fire Protection Finding 3).
- b. Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet in phase 1. The indicated number and spacing of the fire hydrants for phase 2 is adequate (see Fire Protection Finding 4).
- c. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations

of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. A 3-foot clear space shall be maintained around the circumference of all fire hydrants (see Fire Protection Finding 5).

- d. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (see Fire Protection Finding 6).
- e. Approved fire apparatus turnarounds are required for this project and shall comply with the Clark County Road Standards (see Fire Protection Finding 7).

A-9 Health Department Review

Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department (see Health Department Finding 2).

A-10 Other Documents Required

The following documents shall be submitted with the Final Construction/Site Plan:

a. Developer's Covenant:

A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.0. (Standard Condition)

A-11 Excavation and Grading

Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252. (Standard Condition)

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County; and,

- a. Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Fire Protection Finding 2).
- b. Prior to construction, fire flow in the amount of 1,000 gallons per minute (gpm) supplied at 20 pounds per square inch (psi) for 60 minutes duration. The required fire flow is available at the site (see Fire Protection Finding 3).

B-2 Erosion Control

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control

Erosion control facilities shall not be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

C-1 Land Use

(See Conditions A-1a through A-1g and D-6a and D-6b)

C-2 Transportation (Concurrency)

None

C-3 Stormwater

- a. The installation of infiltration systems shall be observed and documented by a licensed engineer in the State of Washington proficient in geotechnical engineering. During the construction, the geotechnical engineer shall verify that the infiltration rates used in the final stormwater analysis are obtained at the exact locations and depths of the proposed stormwater infiltration facilities. The infiltration investigation shall include laboratory analysis based on AASHTO Specification M145. The timing of representative infiltration tests

will be determined at the pre-construction conference. (See Stormwater Finding 3)

C-4 Fire Marshal Requirements

The applicant shall comply with all the applicable requirements of the Fire Marshal consistent with the International Building and Fire Codes

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

D-1 Land Use

(See Conditions A-1a through A-1g and D-6a and D-6b)

D-2 Fire Marshal Requirements

(See Conditions A-8a and A-8b)

D-3 Health Department Signature Requirement

a. All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied.

b. The location of underground storage tanks must be identified on the final plat and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording.

D-4 Developer Covenant

A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

a. Critical Aquifer Recharge Areas

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater/drinking supply protection."

b. Erosion Control

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

c. Responsibility for Stormwater Facility Maintenance

"For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060."

d. Archaeological

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

e. Impact Fees

"In accordance with CCC 40.610, except for Lot 82, Lot 107 and Lot 108 that are waived, the School, Park and Traffic Impact Fees for each of the remaining 105 of the 108 lots in this subdivision are:

1. \$1,885.00 PIF (made up of \$1,445.00 acquisition fee, and \$440.00 development fee) per new single-family attached dwelling in Park District 7;
2. \$1,725.00 SIF per new single-family dwelling in Vancouver School District; and,
3. \$1,439.81 TIF per new single-family-attached dwelling in Orchards Traffic Impact fee district.

The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-5 Addressing

At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-6 Plat Notes

The following notes shall be placed on the final plat:

- a. Each single-family lot shall comply with the development standards:
 1. Minimum lot area: 2,600 square feet
 2. Minimum lot width: 20 feet
 3. Minimum lot depth: 70 feet
 4. Front yard set back for the house: 10 feet
 5. Front yard set back for the garage: 18 feet
 6. Street side yard: 8 feet
 7. Interior side yard: 3 feet; with building separation, eaves & gutters -- 6 feet
 8. Rear yard set back: 5 feet
 9. Maximum lot coverage: 65 percent
 10. Approximate size of proposed structures: 1,700 square feet
 11. Maximum building height: 35 feet (see Land Use Finding 2)
- b. Even though scientific research findings are not conclusive regarding the impact of electromagnetic field on humans, there is a 300-foot wide BPA power line along the southern section of this development site abutting Lots 13, 23 and 25; and Lots 70 through 81, Lot 96, Lots 102 through 106 and Lot 108 (see Land Use Finding 5a).
- c. Mobile Homes:

"Mobile homes are not proposed; therefore, they are not permitted on any lot."
- d. Sidewalks:

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- e. Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- f. "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- g. Driveways:

"No direct access is allowed onto the following streets: NE Andresen Road and NE 72nd Avenue."

E	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

E-1 Land Use

(See Conditions A-1a through A-1f and D-6a and D-6b).

E-2 Fire Marshal Requirements

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Fire Protection Finding 2).

E-3 Health Department Review

The applicant shall provide all the improvement necessary to connect each lot to public water and sewer provided by the City of Vancouver and Clark Regional Wastewater District, respectively.

E-4 Impact Fees

"In accordance with CCC 40.610, except for Lot 82, Lot 107 and Lot 108 that are waived, the School, Park and Traffic Impact Fees for each of the remaining 105 of the 108 lots in this subdivision are:

1. \$1,885.00 PIF (made up of \$1,445.00 acquisition fee, and \$440.00 development fee) per new single-family attached dwelling in Park District 7;
2. \$1,725.00 SIF per new single-family dwelling in Vancouver School District; and,
3. \$1,439.81 TIF per new single-family-attached dwelling in Orchards Traffic Impact fee district.

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate (see Impact Fees Finding 1).

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 Land Use - Signs

Any proposed sign or signs for this subdivision shall comply with the applicable sections of the sign ordinance, CCC 40.310 (see Land Use Finding 4).

F-2 Landscaping

Prior to the issuance of an approval of occupancy for a site plan, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with

the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

F-3 Stormwater

- a. All runoff from the site shall be conveyed to an onsite sacrificial system, a temporary sedimentation basin, or be contained by other approved methods until such time when the county inspection staff determines that the potential for plugging the infiltration system is minimized to the maximum extent possible. (See Stormwater Finding 3)

G	Development Review Timelines Review & Approval Authority: None - Advisory to Applicant
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G-1 Land Division

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

Appeal Filing Deadline:

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$266**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

The Board of Commissioners shall hear appeals of decisions based upon the written record before the examiners, the examiner's decision, and any written comments received in the office of the Board within the following submittal deadlines measured from the date of the filing of the appeal:

- Fourteen (14) calendar days for the appellant's initial comments;
- Twenty-eight (28) calendar days for all responding comments; and,
- Thirty-five (35) calendar days for appellant reply comments, which are limited to the issues in the respondent's comments.

Written comments shall be limited to arguments asserting error in or support of the examiner decision based upon the evidence presented to the examiner.

Unless otherwise determined by the Board for a specific appeal, the Board shall consider appeals once a month, on a reoccurring day of each month. The day of the month on which appeals are considered shall be consistent from month to month as determined by Board.

The Board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If continued, the Board of Commissioners shall designate the parties or their representatives to present argument, and permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the Board of Commissioners. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Board of Commissioners may affirm, reverse, modify or remand an appealed decision.

Attachments:

- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

For Staff Only:

Final Plans Required with Construction Plans	YES	NO
Final Site Plan	✓	
Final Landscape Plan:		
-On-site landscape plan		
-Right-of-way landscape plan*	✓	
Final Wetland Plan		
Final Habitat Plan		

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.